

EXHIBIT 1 TO DECLARATION OF STEPHANIE D. SADO



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Evening Standard (London)

April 26, 1993, Monday

SECTION: Pg. 33

LENGTH: 1067 words

HEADLINE: Business as usual for defiant City

BYLINE: Patrick Donovan, Andrew Cornelius

BODY:

NATIONAL Westminster and HSBC Holdings, two of the biggest banks in the City of London, today put in place contingency plans to ensure that it was business as usual for their customers despite Saturday's huge bomb blast.

Derek Wanless, NatWest's chief executive, said that although the 52-storey NatWest Tower had suffered extensive damage, with up to a third of its windows shattered by the explosion, 'all our businesses are up and running'.

As the clear-up began, a bank spokesman said that the building was fully insured, but it was not yet possible to assess the cost of the damage.

NatWest said that key members of the 1300 staff who work at the tower, headquarters for the bank's UK retail business, have been moved to other bank offices in the capital.

Other staff will be contacted within the next 48 hours. There is a staff helpline number: 0800 400 490.

The spokesman said that NatWest's computers and other records were not affected by the blast. Tomorrow's annual shareholders' meeting has been switched from the Tower to Chiswell Street Brewery, at 11am.

HSBC, which includes the Hongkong Bank and the Midland Bank, said that its main computer records are safe following the blast which wrecked its Bishopsgate building housing the bank's trade finance division.

The bank lost 'current working files' going back some months.

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The Stock Exchange said all systems appeared to be working but staff had difficulty arriving at work because only

Business as usual for defiant City Evening Standard (London) April 26, 1993, Monday

one of the doors was open.

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Insurers 'escape' bomb

THE insurance industry will escape relatively unscathed from the weekend City bombings with the Government expected to pick up at least 90% of the estimated £300 million bill.

Leading composites will stand to pay out 'a handful of millions', with Sun Alliance probably the most heavily exposed with expected losses of between £4 and £6 million.

As the market dismissed weekend suggestions that the total bill could rise as high as £1 billion, General Accident shares firmed 1p to 572p. Royal Insurance was up 1p at 327p. Commercial Union eased 1p to 615p. Sun Alliance was 1p lighter at 329p.

It is expected that the large majority of businesses suffering damage will be provided with terrorism cover.

According to the Association of British Insurers: 'While it is much too early to give a reliable figure for the explosion, it seems likely to be of the same order of magnitude as last year's City bomb.

'The businesses affected are likely to have carefully worked out contingency plans which should minimise the disruption and keep down business interruption claims.

'There remain a great deal of empty office accommodation in the City which is being made immediately available to the businesses needing to relocate.'

The ABI adds: 'All insurers pass the premiums for terrorism cover in their entirety to a mutual reinsurance company, Pool Re, which meets the cost of claims.

'If the funds of Pool Re are not sufficient to meet all the claims, insurers will themselves pay Pool Re a further 10% of the premiums they collected for Pool Re.'

LOAD-DATE: November 4, 1993

The New York Times

World

1 Dead, 40 Hurt As a Blast Rips Central London

By WILLIAM E. SCHMIDT
Published: April 25, 1993

A huge bomb hidden in a parked construction truck shattered the heart of London's financial district this morning, killing one man, wounding more than 40 people and raising a cloud of smoke that was visible across much of the capital.

Detectives at Scotland Yard immediately blamed the Irish Republican Army, which set off a similar bomb in nearly the same neighborhood just over a year ago, killing three people and causing \$1.25 billion in damage.

The body of the dead man was discovered nearly six hours after the explosion by police searching buildings on Bishopsgate, the busy city thoroughfare on which the truck believed to contain the bomb was parked.

Because it was a weekend morning, only a handful of office workers and building security personnel were in the City of London, as the financial district is officially known. The City is also well-traveled by tourists and tour buses, drawn by its narrow streets and many old churches.

Late tonight, two car bombs exploded in the city, damaging buildings but causing no casualties, officials said.

Witnesses said the force of this morning's explosion, which came after several telephone warnings, sent people crying and screaming through the streets as glass from the windows of banks and skyscrapers rained down over an area of several square blocks. Streets were carpeted with broken shards, and the interiors of some buildings resembled stage sets, the furniture inside exposed to the open.

Most of the windows on the eastern side of the 52-story National Westminster Tower were gone, and window blinds fluttered in the spring wind. The explosion gouged a 15-foot wide crater in the street near the Hong Kong and Shanghai Banking Corporation building and blew in the building's lobby.

"It's just damage everywhere," said Nigel Tree, working in the bank. "All the doors of the lift shafts have been blown in. There's very little standing apart from the core wall."

One insurance executive said today's damage might exceed losses from the April 10 explosion of last year. Nicholas Balcombe, the chief executive of a London insurance broker, estimated that damage from this bombing would exceed \$1.5 billion. Government to Meet Costs

After last year's explosion, many insurance companies refused to cover any further losses resulting from terrorist attacks in the City of London, and the Government moved to create a special fund to help underwrite such losses. While the measure has not yet been passed into law by Parliament, the Government said today that it would help meet costs.

Police this morning cordoned off nearly a square mile of the City of London, while they searched through damaged buildings. Most of those wounded were treated for shock or cuts received as a result of flying glass.

Among the wounded was a policeman who was helping to evacuate the area at the time the bomb detonated, about 10:25 A.M. The first telephoned warning, which carried a prearranged I.R.A. code word to indicate it is not a crank call, was received by the police about an hour earlier.

As a result, the police evacuated worshipers at the city's oldest synagogue, where the blast later blew out three windows, and telephoned building security guards in the area to get them to herd occupants away from windows.

But many had no warning. In the Moorgate Underground station, not far from the blast site, the concussion from the blast caused panic and commotion among passengers on a train that had just arrived in the station. For others, the warnings came too late.

Raymond Fayer, a security guard at the Hong Kong and Shanghai Bank, was knocked unconscious by the blast, not long after taking a telephone call warning about the bomb. "It all went black and then the next thing I looking up and seeing the ceiling down on me," he said from a London hospital.

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Copyright 1992 Independent Print Ltd
The Independent (London)

April 13, 1992, Monday

SECTION: TITLE PAGE; Page 1

LENGTH: 589 words

HEADLINE: City hopes for 'business as usual' after IRA bomb

BYLINE: By DEAN NELSON and ROBERT COLE

BODY:

THE CITY of London worked throughout last night to avert chaos for its 300,000 office staff this morning. Worst hit will be those with the 35 to 50 companies forced to move premises by the IRA bomb blast on Friday evening in which three people died.

At Staples Corner, in north-west London, the busy traffic junction which was a bomb target later that night, surveyors completed preliminary investigations but the Department of Transport said no decision had been taken on whether the A5 flyover would have to be rebuilt. Traffic was diverted yesterday, causing major disruption, and even if the flyover survives delays will last for a year.

In the City, British Telecom engineers, building contractors and window replacement companies have been working throughout the weekend to get the area ready for its workforce today.

Telecom engineers have repaired cables and redirected switchboard calls to affected companies to their new premises.

The worst damaged among the City's buildings were the Baltic Exchange and the Chamber of Shipping premises, which Ted Harthill, the City of London's surveyor, said last night would probably have to be completely rebuilt.

Baltic Exchange employees have been told they will be based at the Lloyd's building near by.

The Lord Mayor, Sir Brian Jenkins, said the Corporation of London had established helplines for affected businesses to assist them in finding alternative office accommodation. That would not be a problem because of the large number of offices left vacant by the recession, he said.

He added that although British Telecom had arranged for most calls to be redirected, others would be handled by Guildhall which would also act as a clearing house for stranded employees.

Sir Brian attempted to play down the extent to which the City would be affected, saying every attempt had been

City hopes for 'business as usual' after IRA bomb The Independent (London) April 13, 1992, Monday

made to make it "business as usual".

He added that British Rail had offered poster space at stations to relay information to displaced staff.

"The City of London will be ready for work on Monday as usual. That has been our objective since Friday evening. We are confident that all will work well and effectively in the morning.

"There has been a splendid effort by all concerned in the City of London to provide facilities for those businesses affected by this horrific incident," he added.

Among the worst affected companies in the City are Commercial Union, James Capel, Hongkong & Shanghai Bank and the National Westminster Bank. But the Stock Exchange, the Lloyd's of London insurance market and the foreign exchange markets are all hoping to operate as normal.

Ray Morley, marketing services director of Commercial Union, said that 650 of his staff would be affected and about half would not be found office accommodation for some time. He added that about half would be moved to Croydon as a temporary measure, while the rest will remain in offices in the City.

Damage suffered by the company ran into millions of pounds, he said. It was insured against bomb damage, but bore some of the risk. A police cordon between Leadenhall Street, St Mary Axe and Bevis Marks was lifted at midnight last night, but access to St Mary Axe - where the 100lb bomb went off at 9.21 on Friday evening - remains restricted.

Owen Kelly, Commissioner of the City of London Police, yesterday rejected criticism that police took too long to find the body of the third person killed by the explosion.

He said buildings were too dangerous to search.

EXHIBIT 2 TO DECLARATION OF STEPHANIE D. SADO

Page 1	Page 3
<p>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK Action No: 05cv4622(DGT)(MDG)</p> <p>----- TZVI WEISS, et al, Plaintiffs, against NATIONAL WESTMINSTER BANK, PLC., Defendant.</p> <p>----- NATAN APPLEBAUM, et al., Plaintiffs, against NATIONAL WESTMINSTER BANK, PLC., Defendant.</p> <p>VIDEOTAPED DEPOSITION OF AMANDA HOLT Friday 23 July 2010 At: 10:00 am Taken at: Cleary, Gottlieb, Steen & Hamilton LLP 55 Basinghall Street, London United Kingdom</p> <p>HIGHLY CONFIDENTIAL</p>	<p>1 VIDEOGRAPHER: FLOYD HUMPHREY 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 2	Page 4
<p>1 APPEARANCES 2 For Plaintiff Tzvi Weiss: 3 ARI UNGAR 4 Osen LLC 5 700 Kinderkamack Road 6 Oradell, NJ 07649 7 Tel: 201 265 6400 8 9 For Plaintiff Tzvi Weiss: 10 AITAN GOELMAN 11 Zuckerman Spaeder LLP 12 1800 M Street, NW, Suite 1000 13 Washington, DC 20036-5807 14 Tel: 202 778 1996 15 For the Plaintiffs: 16 STEPHEN LOBEL 17 Finers, Stephens & Innocent LLP 18 For Defendant National Westminster Bank, PLC: 19 20 AVRAM E. LUFT and VALERIE SCHUSTER 21 Cleary, Gottlieb, Steen & Hamilton LLP 22 One Liberty Plaza 23 New York, NY 10006-1470 24 Tel: 212 225 2432 25 26 Also Present: 27 COURT EXAMINER - ADRIAN HUGHES 28 29 COURT REPORTER: 30 AILSA WILLIAMS 31 European Deposition Services 32 59 Chesson Rd 33 London, W14 9QS 34 35 Telephone: 44 (020) 7385 0077 36 HIGHLY CONFIDENTIAL</p>	<p>1 INDEX 2 AMANDA HOLT8 3 DIRECT EXAMINATION BY MR.8 4 GOELMAN: 5 6 CROSS-EXAMINATION BY MR. LUFT: 222 7 8 RE-DIRECT EXAMINATION BY MR. 229 9 GOELMAN: 10 INDEX OF EXHIBITS 11 Holt 1 NW012925-3860 12 Holt 2 NW18597666 13 Holt 3 NW014038-4867 14 Holt 4 Press Release83 15 Holt 5 NW066682-68688 16 Holt 6 NW066667-70 107 17 Holt 7 NW066672-76 140 18 Holt 8 NW066820 147 19 Holt 9 NW066721-23 150 20 Holt 10 NW018476 159 21 Holt 11 NW066687-90 163 22 Holt 12 NW067948 169 23 Holt 13 NW187287 172 24 Holt 14 NW196319-20 179 25 Holt 15 NW181060-63 188 26 Holt 16 NW180811-15 194 27 Holt 17 NW180828-29 200 28 Holt 18 NW180854 202</p>

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<p>1 Q. Who is Mr. Outhwaite?</p> <p>2 A. I couldn't put a face to him but the Head</p> <p>3 of Retail Media Relations means that he was responsible</p> <p>4 for dealing with the media on behalf of the Retail Bank.</p> <p>5 So if there had been any -- one of his responsibilities</p> <p>6 was to look at what was out there in the newspapers and</p> <p>7 see how it would have impacted on the bank, primarily</p> <p>8 from a reputational perspective, so reputation. He had</p> <p>9 no regulatory background. It was press relations.</p> <p>10 Q. Who was Graham Hardy?</p> <p>11 A. I don't know, or I don't recall.</p> <p>12 Q. What do you recall about getting this</p> <p>13 e-mail from Mr. Outhwaite on December 10, 2004?</p> <p>14 A. As the e-mail dated December 10 at 11:14</p> <p>15 am would imply, I was aware, just for clarity, I was</p> <p>16 aware that the bank had accounts for people -- I should</p> <p>17 put in here it was sloppy typing on my part -- allegedly</p> <p>18 connected to Hamas but not Hamas itself, so we were</p> <p>19 already aware of the allegations.</p> <p>20 Q. So Mr. Outhwaite sent this e-mail to you</p> <p>21 at 10:19 am. Is that right?</p> <p>22 A. Yes.</p> <p>23 Q. Would you have read the article that he</p> <p>24 attached?</p> <p>25 A. My e-mail back to him says: "I can't see</p>	<p>1 accounts of people connected to Hamas."</p> <p>2 A. Allegedly connected to Hamas.</p> <p>3 Q. You are saying "allegedly"?</p> <p>4 A. Yes.</p> <p>5 Q. But the e-mail says "for people connected</p> <p>6 to Hamas", true.</p> <p>7 A. That is what the e-mail said, but I have</p> <p>8 mistyped that e-mail.</p> <p>9 Q. I understand that is your testimony. I am</p> <p>10 asking you about this particular e-mail though.</p> <p>11 A. Sure.</p> <p>12 Q. The e-mail states:</p> <p>13 "We were aware that we had accounts for people</p> <p>14 connected to Hamas but not Hamas itself." Correct?</p> <p>15 MR. LUFT: Documents speaks for itself.</p> <p>16 A. That is what the e-mail says, yes.</p> <p>17 Q. And you sent that to four people, correct?</p> <p>18 A. Two or three people, copied to Sharon,</p> <p>19 yes, one other.</p> <p>20 Q. And did any of those people ever correct</p> <p>21 you about awareness of accounts for people connected to</p> <p>22 Hamas?</p> <p>23 A. The person who would have corrected me</p> <p>24 would have been Stephen, but as to whether or not he</p> <p>25 actually felt the need to correct me, I don't recall,</p>
Page 90	Page 92
<p>1 the article", but if he sent it back to me at 6:23 on</p> <p>2 the front, I would have. I did read the article.</p> <p>3 Q. He sent his initial e-mail to you at 10:19</p> <p>4 am on Friday December 10.</p> <p>5 A. Yes.</p> <p>6 Q. Do you know how he could have sent the</p> <p>7 follow up e-mail with the article at 6:23 am?</p> <p>8 A. I have absolutely no idea, I am sorry. I</p> <p>9 have no idea.</p> <p>10 Q. You sent an e-mail responding to his</p> <p>11 initial e-mail at 11:14 am, correct?</p> <p>12 A. That is correct.</p> <p>13 Q. And you copied Mr. Foster?</p> <p>14 A. Yes.</p> <p>15 Q. And Sharon Wilson?</p> <p>16 A. Yes.</p> <p>17 Q. And Sue Smith?</p> <p>18 A. Yes.</p> <p>19 Q. And who is Sue Smith?</p> <p>20 A. I don't remember a Sue Smith but she</p> <p>21 was -- I don't remember a Sue Smith. I am just looking</p> <p>22 at the titles. It says here she is Operational Risk</p> <p>23 Manager, so she was in the Retail side of the business.</p> <p>24 Q. You commented earlier on the portion of</p> <p>25 the e-mail, you say: "However, we were aware that we had</p>	<p>1 because it was very clear between Stephen and I that the</p> <p>2 meaning was allegedly connected, not actually connected.</p> <p>3 If we had any accounts connected to Hamas we would have</p> <p>4 already reported and exited them.</p> <p>5 Q. So is it your testimony that you don't</p> <p>6 recall anybody correcting that purported error?</p> <p>7 A. My testimony is there would be no need for</p> <p>8 anybody to correct because their understanding was that</p> <p>9 "allegedly" should have been in there.</p> <p>10 Q. Regardless of whether or not there was</p> <p>11 a need to correct, you don't sitting here today recall</p> <p>12 anybody correcting you?</p> <p>13 MR. LUFT: Objection, asked and answered.</p> <p>14 MR. GOELMAN : Asked and not answered.</p> <p>15 MR. LUFT: I am not going to argue with you,</p> <p>16 Mr. Goelman. I just make my objection.</p> <p>17 A. What I said was I don't recall Stephen</p> <p>18 coming in and correcting me, no. That is not to say</p> <p>19 that he didn't. I don't recall because there would have</p> <p>20 been no need.</p> <p>21 Q. Later this e-mail was forwarded to other</p> <p>22 people as well, including people in the CBFM, true?</p> <p>23 A. I have no idea who it was forwarded on to.</p> <p>24 Q. Do you recall at any point anybody,</p> <p>25 Stephen Foster, Irvine Rodger, anybody correcting what</p>

EXHIBIT 3 TO DECLARATION OF STEPHANIE D. SADO

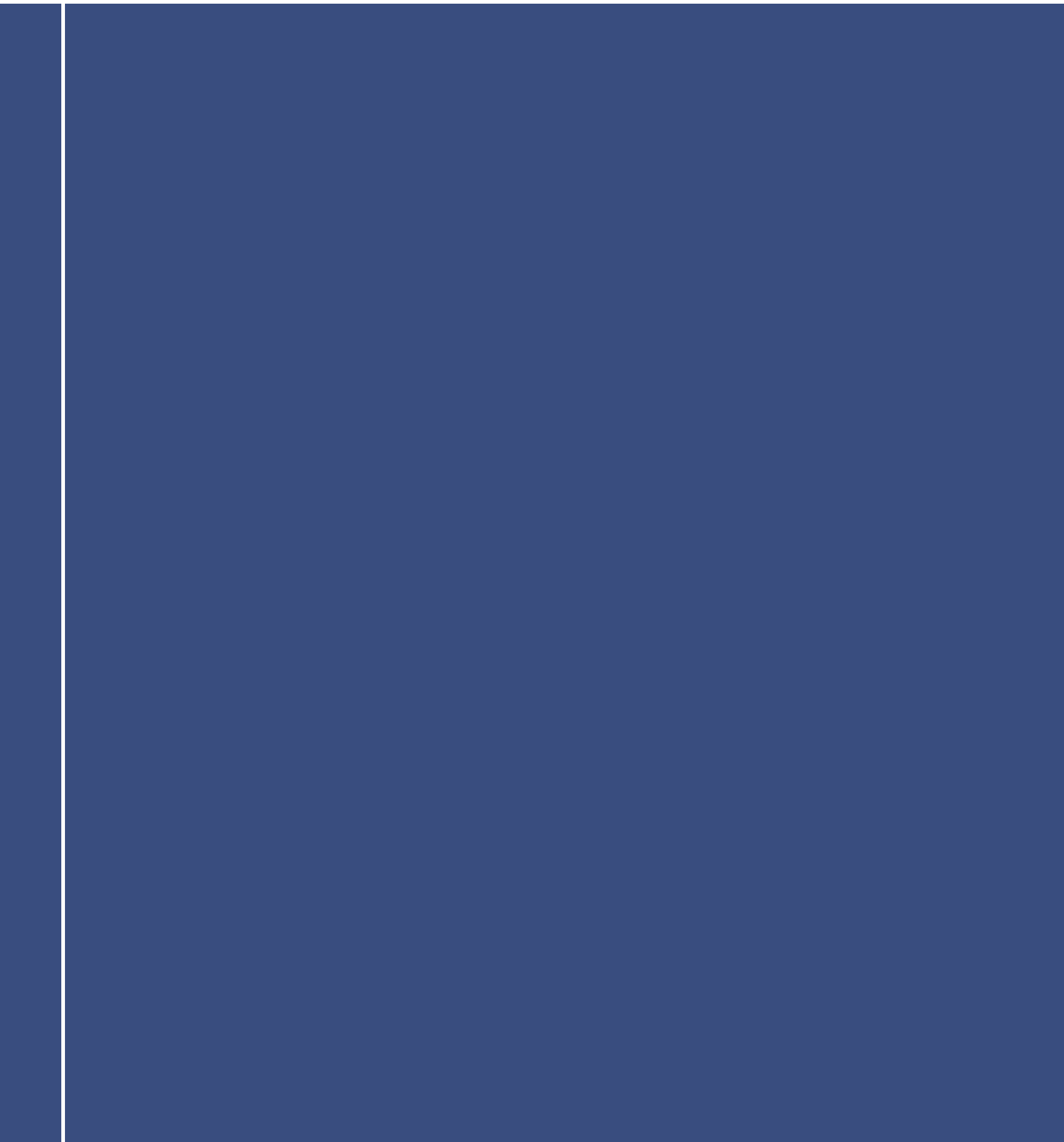
Page 1	Page 3
<p>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK Action No: 05cv4622(DGT)(MDG)</p> <p>----- TZVI WEISS, et al, Plaintiffs, against NATIONAL WESTMINSTER BANK, PLC., Defendant.</p> <p>----- NATAN APPLEBAUM, et al., Plaintiffs, against NATIONAL WESTMINSTER BANK, PLC., Defendant.</p> <p>VIDEOTAPED DEPOSITION OF STEPHEN FOSTER Friday 16 July 2010 At: 10:00 am Taken at: Cleary, Gottlieb, Steen & Hamilton LLP 55 Basinghall Street, London United Kingdom</p> <p>HIGHLY CONFIDENTIAL</p>	<p>1 VIDEOGRAPHER: DAVID ROSS 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 2	Page 4
<p>1 APPEARANCES 2 For Plaintiff Tzvi Weiss: 3 STEPHEN SCHWARTZ, ESQ. 4 Kohn, Swift & Graf PC 5 One South Broad Street, Suite 2100 6 Philadelphia, Pennsylvania 19107-3304 7 Tel: 419 246 0528 8 For Plaintiff Natan Applebaum: 9 MARK WERBNER 10 Sayles & Werbner 11 4400 Renaissance Tower 12 1201 Elm St. 13 Dallas, Texas 75270 14 Tel: 214 939 8763 15 16 For Plaintiff Tzvi Weiss: 17 AITAN GOELMAN 18 Zuckerman Spaeder LLP 19 1800 M Street, NW, Suite 1000 20 Washington, DC 20036-5807 21 Tel: 202 778 1996 22 For Defendant National Westminster Bank, PLC: 23 24 JONATHAN I. BLACKMAN ESQ. and SUE. H. RHEE 25 Cleary, Gottlieb, Steen & Hamilton LLP 26 One Liberty Plaza 27 New York, NY 10006-1470 28 Tel: 212 225 2000 29 30 Also Present: 31 32 COURT REPORTER: 33 34 AILSA WILLIAMS 35 European Deposition Services 36 59 Chesson Rd 37 London, W14 9QS 38 Telephone: 44 (020) 7385 0077 39 HIGHLY CONFIDENTIAL</p>	<p>1 2 INDEX 3 STEPHEN FOSTER6 4 DIRECT EXAMINATION BY MR.6 5 WERBNER: 6 7 CROSS-EXAMINATION BY MR. 162 8 SCHWARTZ: 9 CROSS-EXAMINATION BY MR. 237 10 BLACKMAN: 11 12 INDEX OF EXHIBITS 13 Foster 1 NW012925-3379 14 Foster 2 NW014025-36 103 15 Foster 3 NW013700 107 16 Foster 4 NW013695-97 112 17 Foster 5 NW212124 121 18 Foster 6 NW180808-10 138 19 Foster 7 NW013939-41 142 20 Foster 8 NW066667-71 148 21 Foster 9 NW067948-49 156 22 Foster 10 NW180827-29 159 23 Foster 11 NW088194-97 187 24 Foster 12 NW017151-54 202 25 Foster 13 "Press Room, US Dpt of 220 26 the Treasury, (No Bates Nos.) 27 28 Foster 14 NW066829-32 226 29 30</p>

<p style="text-align: right;">Page 237</p> <p>1 most probably. It would have been a standard letter to 2 the Bank of England in relation -- asking them if in 3 their view we could continue to operate the account. It 4 would be no different from any other account, any other 5 letter we sent to them in relation to Sanctions 6 Compliance. It wouldn't have been a special letter in 7 relation to Interpal, as far as I recall. 8 MR. SCHWARTZ: Okay. 9 CROSS-EXAMINATION BY MR. BLACKMAN: 10 MR. BLACKMAN: Very few questions for you, 11 Mr. Foster. First of all, could you put before you 12 Exhibit 11 and Exhibit 1. 13 A. Okay, I have them in front of me. 14 Q. You were questioned about Exhibit 1 this 15 morning and about Exhibit 11 this afternoon. Is the 16 substance of the two exhibits the same, with the 17 difference being that they would be different names 18 listed on the two exhibits as sanctions lists were 19 revised? 20 A. Yes, they are aiming to do the same thing, 21 which is to get divisions to search their databases for 22 potential matches to those lists. 23 Q. Next question, I think last question. You 24 talked this morning and again this afternoon about OFAC 25 policies. When I say "OFAC policies", I mean the policy</p>	<p style="text-align: right;">Page 239</p> <p>1 approved by Group Risk Committee, specifically in 2 relation to compliance with OFAC obligations. Our 3 policy has moved on now to the extent that globally we 4 have a policy which prohibits relationships with anybody 5 on the OFAC list. 6 Q. When did that particular aspect of the 7 policy go into effect, if I may call it that? 8 A. Under my recent leadership of the team, 9 which started from April 09 again, a new policy was 10 introduced in June 09 specifically confirming that. I 11 have to say, I didn't look before then, because I was 12 not working there, but it may well have been in place 13 before then, but certainly from June 09 we have had 14 a policy globally that we will do no relationships with 15 anybody on the OFAC list. 16 Q. In fact, is it the case that in terms of 17 closures of accounts of people that were on the OFAC 18 list, whether pursuant to the policy or otherwise, the 19 only entities you can recall are Interpal and this 20 Northern Ireland charity? 21 MR. SCHWARTZ: Objection, leading. 22 MR. BLACKMAN: You may answer. 23 A. Yes, they are in that period, yes, they 24 are the only ones I can recall. 25 MR. BLACKMAN: I have no further questions.</p>
<p style="text-align: right;">Page 238</p> <p>1 that you were developing in the bank to deal with how to 2 respond to OFAC sanctions. 3 A. Right, yes. 4 Q. Was there such a policy 5 in August/September 2003, when you had to deal with the 6 response to the OFAC freezing of the Interpal account? 7 MR. SCHWARTZ: Objection to form. What do you 8 mean by "such a policy"? 9 MR. BLACKMAN: Was there an OFAC policy, as 10 I just defined it? 11 MR. SCHWARTZ: A policy for dealing with OFAC 12 listing at the bank at that time? 13 MR. BLACKMAN: Yes. 14 A. There was not a policy at that time. 15 Q. I think you have testified, correct me if 16 I am wrong -- I don't want mean to lead you, I just want 17 to move this, given the hour -- that you were developing 18 such a policy I think you said in the period of 05/06? 19 A. Correct. 20 Q. Did there come a time when that policy 21 would have led the bank to simply automatically require 22 closure of an account of someone who had been listed by 23 OFAC? 24 A. Yes, the policy developed over a number of 25 years. As you described, 05/06, we had a policy</p>	<p style="text-align: right;">Page 240</p> <p>1 MR. SCHWARTZ: Just one question. These more 2 stringent policies of which you were just speaking with 3 Mr. Blackman -- 4 A. Yes. 5 Q. -- were they a response to increased 6 operations in the United States? 7 A. No, I think they are more a desire to -- 8 we just wanted to do it because it is a toughening of 9 our approach. 10 Q. What do you mean by "a toughening of your 11 approach"? 12 A. It means that nowhere in the world will we 13 allow our business, any of our businesses to do business 14 with an OFAC listed entity, but of course it is possible 15 for any institution in Singapore, for example, to do 16 business with an OFAC listed entity, if they want to. 17 We don't allow that. 18 Q. Do these reflect a sentiment by the bank 19 that prior policies about OFAC were insufficiently 20 stringent? 21 A. I am not sure it is that. It is a change 22 in risk appetite. 23 MR. SCHWARTZ: I have no further questions. 24 MR. BLACKMAN: I have one more. I realize you 25 are not a lawyer, but you adopted -- did you adopt these</p>

EXHIBIT 4 TO DECLARATION OF STEPHANIE D. SADO



Annual Report and Accounts 2003



Consolidated profit and loss account

for the year ended 31 December 2003

	Note	2003 £m	2002 £m
Interest receivable			
– interest receivable and similar income arising from debt securities		54	101
– other interest receivable and similar income		5,925	6,404
Interest payable		(1,947)	(2,371)
Net interest income		4,032	4,134
Dividend income		61	13
Fees and commissions receivable		3,014	2,908
Fees and commissions payable		(796)	(715)
Dealing profits	1	797	735
Other operating income		147	619
Non-interest income		3,223	3,560
Total income		7,255	7,694
Administrative expenses			
– staff costs*	2	1,243	1,755
– premises and equipment*		207	285
– other*		2,001	2,084
Depreciation and amortisation			
– tangible fixed assets*	18	95	444
– goodwill	17	18	26
Operating expenses		3,564	4,594
Profit before provisions for bad and doubtful debts		3,691	3,100
Provisions for bad and doubtful debts	12	549	508
Amounts written off fixed asset investments		1	8
Profit on ordinary activities before tax	4	3,141	2,584
Tax on profit on ordinary activities	5	947	713
Profit on ordinary activities after tax		2,194	1,871
Minority interests – equity		(1)	5
Profit for the financial year		2,195	1,866
Preference dividends – non-equity	6	39	41
Profit attributable to ordinary shareholders		2,156	1,825
Ordinary dividends	7	2,257	695
Retained (loss)/profit	30	(101)	1,130

* includes restructuring costs (see Note 4)

All items dealt with in arriving at profit on ordinary activities before tax relate to continuing operations.

Profit on ordinary activities before tax and the retained loss for the year on a historical cost basis were not materially different from reported amounts.

Consolidated balance sheet 10741

at 31 December 2003

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Consolidated balance sheet

	Note	2003 £m	2002 £m
Assets			
Cash and balances at central banks		1,112	1,251
Items in the course of collection from other banks		2,255	2,085
Treasury bills and other eligible bills	9	541	1,724
Loans and advances to banks	10	35,412	23,664
Loans and advances to customers	11	102,572	112,122
Debt securities	13	21,727	16,846
Equity shares	14	1,072	1,067
Interests in associated undertakings	15	19	33
Intangible fixed assets	17	273	331
Tangible fixed assets	18	1,523	3,795
Settlement balances		2,136	2,500
Other assets	19	3,184	5,274
Prepayments and accrued income		1,047	1,195
Total assets		172,873	171,887
Liabilities			
Deposits by banks	20	17,558	17,718
Items in the course of transmission to other banks		943	1,214
Customer accounts	21	116,569	111,477
Debt securities in issue	22	2,112	208
Settlement balances and short positions	23	14,464	15,180
Other liabilities	24	4,368	6,323
Accruals and deferred income		1,739	3,147
Provisions for liabilities and charges			
– deferred taxation	25	94	1,213
– other provisions	26	152	224
Subordinated liabilities			
– dated loan capital	27	3,272	3,341
– undated loan capital including convertible debt	28	2,471	2,592
Minority interests			
– equity		3	44
– non-equity		—	3
Called up share capital	29	2,126	2,159
Share premium account	30	1,286	1,286
Other reserves	30	298	301
Revaluation reserve	30	119	99
Profit and loss account	30	5,299	5,358
Shareholders' funds			
– equity		8,680	8,722
– non-equity		448	481
Total liabilities		172,873	171,887
Memorandum items			
Contingent liabilities	37	5,853	6,500
Commitments (standby facilities, credit lines and other)	37	60,027	59,965

The accounts were approved by the Board of directors on 18 February 2004 and signed on its behalf by:

Sir George Mathewson
ChairmanFred Goodwin
Group Chief ExecutiveFred Watt
Group Finance Director

EXHIBIT 5 TO DECLARATION OF STEPHANIE D. SADO

<p style="text-align: right;">Page 1</p> <p>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK -----X TZVI WEISS, et al., Plaintiffs, -against- NATIONAL WESTMINSTER BANK, PLC, Defendant. -----X NATAN APPLEBAUM, et al., Plaintiffs, -against- NATIONAL WESTMINSTER BANK, PLC, Defendant. -----X * HIGHLY CONFIDENTIAL * VIDEOTAPED DEPOSITION of BELINDA LANE, taken before Cheryll Kerr, a Notary Public and a Shorthand Reporter, held at the offices of Cleary, Gottlieb, Steen & Hamilton, LLP, located at 55 Basinghall Street, London, England on Tuesday, the 24th day of June, 2008, at 9:38 a.m.</p>	<p style="text-align: right;">Page 3</p> <p>1 2 EXAMINATION BY: PAGE 3 Mr. Werbner 7 4 5 EXHIBITS 6 LANE FOR ID DESCRIPTION PAGE 7 Exhibit 1 Letter dated January 20 6 2000, Bates No. NW 13431 8 Exhibit 2 Credit assessment, Bates 6 Nos. NW 13316 - NW 13317 9 10 Exhibit 3 Meeting synopsis, March 20, 6 2002, Bates No. NW 13637 11 Exhibit 4 Transmission note, Bates 6 No. 13197 12 13 Exhibit 5 Memorandum dated July 9, 6 2002, Bates No. NW 13333 14 Exhibit 6 Memorandum dated July 15, 6 2002. Bates No. NW 13332 15 16 Exhibit 7 Memorandum dated August 1, 6 2002, Bates No. NW 13347 17 Exhibit 8 Fax dated August 6, 2002, 6 Bates Nos. NW 13347- 13355 18 19 Exhibit 9 Document bearing Bates 6 No. 13346 20 Exhibit 10 Memorandum bearing fax 6 date October 10, 2005, 21 Bates No. NW 13636 22 Exhibit 11 Meeting synopsis, January 27, 6 2003, Bates No. NW 13639 23 24 25 (Continued)</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: 2 KOHN, SWIFT & GRAF, P.C. Attorneys for Plaintiff Tzvi Weiss 3 One South Broad Street, Suite 2100 Philadelphia, Pennsylvania 19107-3304 4 5 BY: STEPHEN H. SCHWARTZ, ESQ. 6 7 SAYLES WERBNER, P.C. Attorneys for Plaintiff NATAN APPLEBAUM 4400 Renaissance Tower 1201 Elm Street 8 Dallas, Texas 75270 9 BY: MARK S. WERBNER, ESQ. 10 11 CLEARY GOTTlieb STEEN & HAMILTON, LLP Attorneys for Defendant National Westminster Bank, PLC 12 One Liberty Plaza New York, New York 10006-1470 13 14 BY: LAWRENCE B. FRIEDMAN, ESQ. PATRICK SHELTON, ESQ. 15 16 GLANCY BINKOW & GOLDBERG, LLP Attorneys for Plaintiff Tzvi Weiss 1430 Broadway, Suite 1603 17 New York, New York 10018 18 BY: ANDREW FRIEDMAN, ESQ. (OF COUNSEL) 19 20 Also Present: Jackie Sheftali, NatWest; Simon Rutson, Videographer 21 22 ***** 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 EXHIBITS (Cont'd) 2 LANE FOR ID DESCRIPTION PAGE 3 4 Exhibit 12 Document bearing Bates 6 No. NW 13357 5 Exhibit 13 Document bearing Bates 6 Nos. NW 12965-12966 6 7 Exhibit 14 Letter dated September 24, 6 2003, Bates No. NW 17132 8 Exhibit 15 (No document was marked) 6 9 Exhibit 16 Letter dated June 20, 2001, 6 Bates No. NW 13415 10 11 Exhibit 17 Document bearing Bates 6 No. NW 10642 12 13 REQUESTS FOR PRODUCTION 14 15 DESCRIPTION PAGE 16 Bank Line Payment Manager 143 17 applications 18 19 20 21 22 23 24 25</p>

<p style="text-align: right;">Page 25</p> <p>1 deposits or just how -- what?</p> <p>2 A. Their annual turnover.</p> <p>3 Q. So the business' annual turnover?</p> <p>4 A. Yes.</p> <p>5 Q. Is there a segment of -- of the real</p> <p>6 estate people that -- that handle above 25 million?</p> <p>7 A. Yes. That's our corporate offices would</p> <p>8 deal with that. We would introduce an account to</p> <p>9 corporate.</p> <p>10 Q. Are there any further breakdowns above</p> <p>11 that, or is it just above 25 million annual pound</p> <p>12 turnover that goes into corporate?</p> <p>13 A. I am not certain. It goes into</p> <p>14 corporate, whether there's anything above corporate,</p> <p>15 I'm not sure.</p> <p>16 Q. And when you say "It goes into</p> <p>17 corporate," again, is that just in the real estate</p> <p>18 area?</p> <p>19 You don't mean -- or -- or at the corporate</p> <p>20 level, is that a mixture of real estate and other</p> <p>21 commercial businesses?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. So once they have an annual</p> <p>24 turnover in excess of 25 million pounds, whether</p> <p>25 they are in the real estate business or something</p>	<p style="text-align: right;">Page 27</p> <p>1 Q. When you got the job and went into the</p> <p>2 commercial area, who was your supervisor?</p> <p>3 A. Paul Croucher.</p> <p>4 Q. Who was your supervisor while you were at</p> <p>5 Islington in the retail area?</p> <p>6 A. When I left, David Roe.</p> <p>7 Q. David Roe?</p> <p>8 A. (Nodding).</p> <p>9 Q. What was his title?</p> <p>10 A. Area manager. Area business manager.</p> <p>11 Q. Who was your supervisor when you first</p> <p>12 started at Islington in 1999?</p> <p>13 A. Chris Cook.</p> <p>14 Q. Was there anyone after Mr. Cook, before</p> <p>15 David Roe?</p> <p>16 A. I don't think so.</p> <p>17 Q. When you were at Laughton, for the few</p> <p>18 years before Islington -- do I have that right?</p> <p>19 A. Uh-huh.</p> <p>20 Q. Who did you work for, and what were you</p> <p>21 doing at Laughton?</p> <p>22 A. I was business manager. My title might</p> <p>23 have been senior business manager, and I worked for</p> <p>24 Allison Lucas when I left.</p> <p>25 Q. What were the nature of your customers at</p>
<p style="text-align: right;">Page 26</p> <p>1 else, they go into a different part of the bank?</p> <p>2 A. Yes.</p> <p>3 Q. So altogether, how long were you in the</p> <p>4 retail part of the bank as opposed to the</p> <p>5 commercial?</p> <p>6 A. That would be up until I left Islington,</p> <p>7 which was 2002.</p> <p>8 Q. What were the circumstances that gave</p> <p>9 rise to your leaving Islington in 2002 and going</p> <p>10 into commercial?</p> <p>11 A. The commercial office was very close to</p> <p>12 home, and also, I wanted to expand my lending</p> <p>13 knowledge.</p> <p>14 Q. What do you mean by that?</p> <p>15 A. Well, I was looking after accounts with</p> <p>16 turnover up to a million, and I wanted to develop</p> <p>17 myself and look after accounts that went up to</p> <p>18 25 million.</p> <p>19 Q. So how did you go about pursuing that</p> <p>20 desire?</p> <p>21 A. Well, I saw the job advertised, applied</p> <p>22 for it, had an interview, and got the job.</p> <p>23 Q. Who did you interview with?</p> <p>24 A. Martin How and Ray Pask. No. Sorry, not</p> <p>25 Martin How. Paul Croucher and Ray Pask.</p>	<p style="text-align: right;">Page 28</p> <p>1 Laughton?</p> <p>2 A. A mix of different trading businesses.</p> <p>3 Q. But all with annual turnover less than</p> <p>4 one million pounds?</p> <p>5 A. Yes.</p> <p>6 Q. And how was your mix of customers</p> <p>7 different, if it was, when you moved to Islington?</p> <p>8 A. I did have a number of property</p> <p>9 customers, and some of the customers at Islington,</p> <p>10 just by the nature of where they are located, did</p> <p>11 have turnover slightly over a million.</p> <p>12 Q. How many customers did you have while you</p> <p>13 were working at Islington?</p> <p>14 A. Approximately 300.</p> <p>15 Q. And how did that compare to the number</p> <p>16 you had at Laughton?</p> <p>17 A. It was about the same.</p> <p>18 Q. And how many other business managers were</p> <p>19 there at Islington during your period?</p> <p>20 A. Five or six.</p> <p>21 Q. What were their names?</p> <p>22 A. Nick Howard, Surinder Rehal, Peter</p> <p>23 Dennis, Tyran Sulaman. I think that's it.</p> <p>24 Q. During your work at Islington, did you</p> <p>25 have an assistant?</p>

<p style="text-align: right;">Page 45</p> <p>1 if any, on Friday?</p> <p>2 MR. L. FRIEDMAN: I direct you not to</p> <p>3 answer the question.</p> <p>4 All the document she looked at are</p> <p>5 documents that we produced to you.</p> <p>6 Anything further you're not entitled</p> <p>7 to.</p> <p>8 MR. WERBNER: Do you refuse to answer</p> <p>9 my last question?</p> <p>10 MR. L. FRIEDMAN: I instruct the</p> <p>11 witness not to answer.</p> <p>12 MR. WERBNER: Are you refusing based</p> <p>13 on what Mr. Friedman said to answer?</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MR. WERBNER:</p> <p>16 Q. Did you talk to anybody, other than who</p> <p>17 you've described, about this deposition?</p> <p>18 A. No.</p> <p>19 Q. Did you look at any records to refresh</p> <p>20 your memory or to prepare for the deposition other</p> <p>21 than what the lawyers showed you?</p> <p>22 A. No.</p> <p>23 MR. SCHWARTZ: May I interrupt for</p> <p>24 one second, please.</p> <p>25 Mr. Friedman's comments about the</p>	<p style="text-align: right;">Page 47</p> <p>1 to add or change from what you've already testified?</p> <p>2 A. Nope.</p> <p>3 Q. Now, after you left Islington's business</p> <p>4 center, for some reason or another, you continued to</p> <p>5 act as a relationship manager for Interpal, right?</p> <p>6 A. Not initially, no.</p> <p>7 Q. At any point?</p> <p>8 A. The account was left at Islington</p> <p>9 business center. I didn't initially take it with me</p> <p>10 when I moved to Romford. When I got to Romford, I</p> <p>11 was asked to provide my director with a list of my</p> <p>12 highest income-earning accounts, of which Interpal</p> <p>13 was one. He then instructed me several weeks later</p> <p>14 to transfer that account to Romford with me,</p> <p>15 although I didn't want to.</p> <p>16 Q. Who told you to do it?</p> <p>17 A. Paul Croucher.</p> <p>18 Q. What was his title?</p> <p>19 A. Director, commercial banking.</p> <p>20 Q. Why didn't you want to?</p> <p>21 A. Because I didn't feel that it qualified</p> <p>22 as a commercial relationship.</p> <p>23 Q. When you initially left Islington</p> <p>24 business center, did you take any customer accounts</p> <p>25 with you?</p>
<p style="text-align: right;">Page 46</p> <p>1 request for documents --</p> <p>2 (Informal discussion held off the</p> <p>3 record.)</p> <p>4 THE WITNESS: Could I take a quick</p> <p>5 break, please.</p> <p>6 MR. WERBNER: Absolutely, and any</p> <p>7 time you need one as we go throughout the</p> <p>8 days ahead, absolutely, so just take off</p> <p>9 your microphone and we will go off the</p> <p>10 record.</p> <p>11 THE VIDEOGRAPHER: Going off the</p> <p>12 record at 10:28.</p> <p>13 (Recess taken at 10:28 a.m.)</p> <p>14 (Resumed at 10:40 a.m.)</p> <p>15 THE VIDEOGRAPHER: Back on the record</p> <p>16 at 10:40.</p> <p>17 MR. L. FRIEDMAN: Ms. Lane has a name</p> <p>18 to add that she did not remember before.</p> <p>19 Do you want to tell him that name?</p> <p>20 THE WITNESS: Yes. When I told you</p> <p>21 that I passed the accounts in Islington</p> <p>22 over to a gentleman, one was Surinder</p> <p>23 Rehal. The other was Paul Barnsley.</p> <p>24 BY MR. WERBNER:</p> <p>25 Q. All right. Anything else that you want</p>	<p style="text-align: right;">Page 48</p> <p>1 A. Yes, I took six or seven.</p> <p>2 Q. Why?</p> <p>3 A. They were all property customers.</p> <p>4 Q. And did you take all the property</p> <p>5 customers with you that had been in your portfolio?</p> <p>6 A. No.</p> <p>7 Q. How did you choose those six or seven?</p> <p>8 A. The -- the six or seven were either the</p> <p>9 highest turnover or the highest income-producing</p> <p>10 accounts.</p> <p>11 Q. And so did you take all at a certain</p> <p>12 criteria that were in the real estate field?</p> <p>13 A. Yes.</p> <p>14 Q. And what was that criteria?</p> <p>15 A. Either the turnover was higher than all</p> <p>16 the other accounts or the income that was produced</p> <p>17 for the bank was higher than the others, so it was</p> <p>18 really what I considered to be my top accounts.</p> <p>19 Q. What was the amount of income produced to</p> <p>20 the bank that you considered among your top</p> <p>21 accounts?</p> <p>22 A. A couple of the them were in the region</p> <p>23 of 80,000 pounds a year.</p> <p>24 Q. And that's determined how? I mean, how</p> <p>25 is -- how are you calculating --</p>

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<p>1 BY MR. WERBNER:</p> <p>2 Q. And were -- whether you were meeting</p> <p>3 these income targets, was that something reviewed</p> <p>4 with you on some kind of quarterly or annual basis?</p> <p>5 A. Yes, an annual basis, and generally, we</p> <p>6 would have several meetings during the year as well</p> <p>7 to discuss whether you were on target or not.</p> <p>8 Q. Who did you have those meetings with?</p> <p>9 A. Chris Cook and David Roe.</p> <p>10 Q. Would there be written materials about</p> <p>11 that from time to time?</p> <p>12 MR. L. FRIEDMAN: Object to the form.</p> <p>13 THE WITNESS: Only annually.</p> <p>14 BY MR. WERBNER:</p> <p>15 Q. What kind annually was there?</p> <p>16 A. We had an annual appraisal.</p> <p>17 Q. What did you call that?</p> <p>18 A. A and D.</p> <p>19 Q. A and D?</p> <p>20 A. Appraisal and development.</p> <p>21 Q. Appraisal and development. Thank you.</p> <p>22 How were you doing?</p> <p>23 MR. L. FRIEDMAN: Object to the form.</p> <p>24 THE WITNESS: Good.</p> <p>25 BY MR. WERBNER:</p>	<p>1 Q. Let me tell you what I think, and only</p> <p>2 because I am just trying to -- to get to it.</p> <p>3 It sounded to me like you got monthly reports</p> <p>4 that listed your customers and would show the income</p> <p>5 for each customer that was being generated for the</p> <p>6 bank, and then maybe those were automatically or</p> <p>7 able to be summed up.</p> <p>8 I mean, is that right or not?</p> <p>9 A. Yes.</p> <p>10 Q. Okay, so put it into your own words and</p> <p>11 how you would therefore keep these monthly reports</p> <p>12 and then track them to monitor your progress.</p> <p>13 Put that in your own words.</p> <p>14 A. Each month we received a statement</p> <p>15 detailing the income for each customer, and a total,</p> <p>16 and that you -- compare that against mine, my annual</p> <p>17 target.</p> <p>18 Q. And Interpal was among the top of your</p> <p>19 customers through the time that you were in</p> <p>20 Islington, at least, right?</p> <p>21 A. What do you mean by "top in my</p> <p>22 customers"?</p> <p>23 Q. Income earning towards your goal.</p> <p>24 A. It had one of the highest incomes out of</p> <p>25 all of my customers, yes.</p>
Page 70	Page 72
<p>1 Q. That's why you got promoted, right?</p> <p>2 A. One of the reasons.</p> <p>3 Q. Were you meeting all your income targets?</p> <p>4 A. I was at Islington three years. I think</p> <p>5 the last two years I certainly exceeded my income</p> <p>6 target.</p> <p>7 Q. Which are the years you have in mind, by</p> <p>8 virtue of your last answer?</p> <p>9 A. 2000 through and 2001.</p> <p>10 Q. How did you do in '02 and '03?</p> <p>11 A. I was a new relationship manager in</p> <p>12 commercial with a brand-new portfolio. 2002, I -- I</p> <p>13 can't recall specifically. I can't recall. I think</p> <p>14 I was thereabouts in 2002, and 2003 I can't</p> <p>15 remember.</p> <p>16 Q. But these A and Ds -- annual appraisal</p> <p>17 and developments -- should reflect that?</p> <p>18 A. Yes.</p> <p>19 Q. And who maintains custody of those?</p> <p>20 A. Either the area managers or -- I don't</p> <p>21 know if they are sent to another department or not</p> <p>22 now.</p> <p>23 Q. How was, in general, these income targets</p> <p>24 measured and calculated?</p> <p>25 A. (No response.)</p>	<p>1 Q. So out of 300 or so customers, is it true</p> <p>2 that Interpal was one of the very top income earners</p> <p>3 towards your goal?</p> <p>4 MR. L. FRIEDMAN: Object to the form.</p> <p>5 THE WITNESS: Yes --</p> <p>6 BY MR. WERBNER:</p> <p>7 Q. And --</p> <p>8 A. -- and no. Can I expand a little?</p> <p>9 Their income was pretty much the same for</p> <p>10 several years, so although it was a top income-</p> <p>11 earning customer, I have to expand and grow my</p> <p>12 customers, and whilst --</p> <p>13 Whilst it -- it was one of the higher income-</p> <p>14 earning customers, it wasn't really contributing</p> <p>15 towards my target, because it wasn't growing,</p> <p>16 because each year, I have to increase the income</p> <p>17 that each customer produces.</p> <p>18 Q. I mean, is that real clear in your mind,</p> <p>19 thinking back four or five years, without having the</p> <p>20 documents in front of you? Are you that certain of</p> <p>21 that?</p> <p>22 A. It is clear, because I chose not to take</p> <p>23 Interpal with me, and my director instructed me to</p> <p>24 bring it, because he could see that it was a high</p> <p>25 income-earning customer, but because I felt there</p>

<p style="text-align: right;">Page 73</p> <p>1 was no potential for me to grow that customer, I</p> <p>2 didn't want to bring it with me.</p> <p>3 Q. Did you -- did you say that to anyone?</p> <p>4 A. Yes, I did.</p> <p>5 Q. Who did you say that to?</p> <p>6 A. Paul.</p> <p>7 Q. Paul who?</p> <p>8 A. Paul -- Paul Croucher --</p> <p>9 Q. And what did he say?</p> <p>10 A. -- my director.</p> <p>11 Q. And what did he say?</p> <p>12 A. He instructed me to transfer the account</p> <p>13 with me.</p> <p>14 Q. And what did you say?</p> <p>15 A. I had to do as I was instructed.</p> <p>16 Q. Were there any emails or memos concerning</p> <p>17 that?</p> <p>18 A. There may have been. I had to produce a</p> <p>19 list for him of the top income earning customers. I</p> <p>20 don't recall whether I sent that by email or hand</p> <p>21 wrote it. I -- I can't clearly remember.</p> <p>22 Q. While you were at the Islington business</p> <p>23 center, did you have an email on the NatWest system?</p> <p>24 A. No, I don't believe I did then.</p> <p>25 Q. How did you send email, then?</p>	<p style="text-align: right;">Page 75</p> <p>1 period of your work?</p> <p>2 A. Yes.</p> <p>3 Q. Did you do so on a routine basis?</p> <p>4 A. Yes.</p> <p>5 MR. L. FRIEDMAN: Object to the form.</p> <p>6 BY MR. WERBNER:</p> <p>7 Q. What kind of documents did you create on</p> <p>8 a routine basis that would deal, say, with your</p> <p>9 customers?</p> <p>10 A. Interview notes.</p> <p>11 Q. Anything else?</p> <p>12 A. Advances reports.</p> <p>13 Q. What is that?</p> <p>14 A. When we have to prepare an application</p> <p>15 for credit facilities to our credit office.</p> <p>16 Q. Okay. What --</p> <p>17 A. Letters.</p> <p>18 Q. Letters? What else?</p> <p>19 A. Any table I might want to construct for</p> <p>20 my -- for myself or spreadsheets, because we had</p> <p>21 Excel.</p> <p>22 Q. Why was Interpal generating one of the</p> <p>23 top income amounts of your portfolio of</p> <p>24 300 customers?</p> <p>25 A. It was purely from credit balances.</p>
<p style="text-align: right;">Page 74</p> <p>1 A. Well, it was when I was at Romford I then</p> <p>2 had email, so I am saying I may have sent one to</p> <p>3 Paul Croucher. I can't recall. We may have just</p> <p>4 had a discussion about it.</p> <p>5 Q. But how could you have sent an email at</p> <p>6 Islington?</p> <p>7 A. I didn't say I sent an email at</p> <p>8 Islington.</p> <p>9 Q. I am not saying that you said you did,</p> <p>10 but did you have the ability --</p> <p>11 A. No.</p> <p>12 Q. -- to send email?</p> <p>13 So you didn't send any emails while you were at</p> <p>14 Islington?</p> <p>15 A. No.</p> <p>16 Q. Because you didn't have email?</p> <p>17 A. No.</p> <p>18 Q. That's right?</p> <p>19 A. Yes.</p> <p>20 Q. Did you have occasion to deliver typed</p> <p>21 memoranda, or was everything that you presented</p> <p>22 handwritten while you were at the Islington business</p> <p>23 center?</p> <p>24 A. Oh, no. I had access to Word and Excel.</p> <p>25 Q. And did you create documents during that</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. And why was that so profitable for the</p> <p>2 bank?</p> <p>3 MR. L. FRIEDMAN: Object to the form.</p> <p>4 THE WITNESS: They -- they -- because</p> <p>5 of the volume of credit balances they</p> <p>6 held.</p> <p>7 BY MR. WERBNER:</p> <p>8 Q. Isn't it also because they did not, like</p> <p>9 other customers, take interest on those large</p> <p>10 deposits?</p> <p>11 A. Who is -- who is "they"?</p> <p>12 Q. Interpal.</p> <p>13 A. And who are "customers"? Their</p> <p>14 customers?</p> <p>15 Q. No, your other customers.</p> <p>16 A. Sorry. Could you repeat the question?</p> <p>17 Q. Yeah.</p> <p>18 Did Interpal, with those large balances at</p> <p>19 NatWest -- were they paid interest?</p> <p>20 A. No.</p> <p>21 Q. Were most of the customers among your 300</p> <p>22 that had large balances paid interest?</p> <p>23 A. Yes.</p> <p>24 Q. So this was a very special benefit to</p> <p>25 NatWest as far as that Interpal accounts, right?</p>

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<p>1 Q. Thank you.</p> <p>2 Let's turn to Lane Deposition Exhibit 12, which</p> <p>3 is with the Bates number NW 13357. Can you identify</p> <p>4 that for us, please?</p> <p>5 A. (No response).</p> <p>6 Q. Do you remember anything about this</p> <p>7 incident?</p> <p>8 A. Only in that I was shown this on Friday</p> <p>9 (indicating).</p> <p>10 Q. All right, but did you know of it before</p> <p>11 seeing it Friday?</p> <p>12 A. It -- it -- it reminded me, but I -- I</p> <p>13 can't recall it clearly.</p> <p>14 Q. Seeing it Friday refreshed your</p> <p>15 recollection, but it wasn't the first time only last</p> <p>16 Friday that -- that you heard of some sort of</p> <p>17 complaint letter?</p> <p>18 A. I -- I remember when -- when I saw it on</p> <p>19 Friday, I -- I did remember the incident, yes.</p> <p>20 Q. All right, and tell me what you remember.</p> <p>21 A. I -- I would prefer to see the other</p> <p>22 document, but -- is that possible?</p> <p>23 Q. I wish I did, and it may be the very next</p> <p>24 pages. This fax thing says there's five pages</p> <p>25 (indicating). I just don't have them handy, I'm</p>	<p>1 A. I can only assume IBC is international</p> <p>2 banking center.</p> <p>3 Q. In any case, Mr. Woodley mentions in Lane</p> <p>4 Exhibit 12 in reference to the subject Interpal that</p> <p>5 he wants urgent attention, as the customer is "our</p> <p>6 top five fee earners for the bank." Do you see</p> <p>7 that.</p> <p>8 MR. L. FRIEDMAN: Excuse me. Can you</p> <p>9 read back what you transcribed on that.</p> <p>10 (Whereupon, the record was read back</p> <p>11 by the reporter.)</p> <p>12 MR. L. FRIEDMAN: I object to the</p> <p>13 form of the question.</p> <p>14 (Informal discussion held off the</p> <p>15 record.)</p> <p>16 MR. L. FRIEDMAN: No. He misread the</p> <p>17 document but that's okay as far as you are</p> <p>18 concerned.</p> <p>19 THE WITNESS: Could you repeat.</p> <p>20 MR. WERNER: Let me rephrase. I</p> <p>21 don't know if we are stalling for time or</p> <p>22 not.</p> <p>23 THE WITNESS: No, I forgot what I was</p> <p>24 actually supposed to --</p> <p>25 MR. WERNER: No problem.</p>
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<p>1 sorry.</p> <p>2 A. Okay. I think I recall it was -- it</p> <p>3 was -- just give me a moment, please.</p> <p>4 Q. Sure.</p> <p>5 A. It was to do with the treatment of one of</p> <p>6 the members of staff of Interpal by Cricklewood</p> <p>7 branch.</p> <p>8 Q. What was your understanding of how they</p> <p>9 were treating them?</p> <p>10 A. I -- I believe they were sort of rude</p> <p>11 and -- you know.</p> <p>12 Q. Now, Mr. Terry Woodley, your assistant</p> <p>13 manager, writes to David Humphreys of IBC.</p> <p>14 What -- what is the reason that he was</p> <p>15 addressed with this concern? I mean, what about --</p> <p>16 A. Oh, wait a minute. This --</p> <p>17 MR. L. FRIEDMAN: I object to the</p> <p>18 form.</p> <p>19 THE WITNESS: I think I might be</p> <p>20 getting confused here. I think I might</p> <p>21 need to see the complaint letter.</p> <p>22 BY MR. WERNER:</p> <p>23 Q. Okay. What about noticing David</p> <p>24 Humphreys of IBC has caught your attention. Who is</p> <p>25 that and what do they do?</p>	<p>1 MR. L. FRIEDMAN: I object to that.</p> <p>2 BY MR. WERNER:</p> <p>3 Q. Around the middle of May 2003, was</p> <p>4 Interpal in the top five fee earners for the bank?</p> <p>5 A. No, I think Terry made a mistake there</p> <p>6 and he should have said for Belinda's portfolio, not</p> <p>7 the bank.</p> <p>8 Q. Are you sure?</p> <p>9 A. I am certain.</p> <p>10 Q. Why do you know that?</p> <p>11 A. Because he wouldn't know whether it was</p> <p>12 in the top five for the bank.</p> <p>13 Q. But was Interpal among the top five fee</p> <p>14 earners among your 300 customers?</p> <p>15 A. I would imagine it probably was at that</p> <p>16 time.</p> <p>17 Q. Well, do you have any reason to doubt his</p> <p>18 statement (indicating), insofar --</p> <p>19 (Informal discussion held off the</p> <p>20 record.)</p> <p>21 MR. WERNER: Let me finish. Can I</p> <p>22 finish?</p> <p>23 THE WITNESS: Sorry.</p> <p>24 BY MR. WERNER:</p> <p>25 Q. Do you have any reason to doubt his</p>

EXHIBIT 6 TO DECLARATION OF STEPHANIE D. SADO

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<p>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK Action No: 05cv4622(DGT)(MDG)</p> <p>----- TZVI WEISS, et al, Plaintiffs, against NATIONAL WESTMINSTER BANK, PLC., Defendant.</p> <p>----- NATAN APPLEBAUM, et al., Plaintiffs, against NATIONAL WESTMINSTER BANK, PLC., Defendant.</p> <p>VIDEOTAPED DEPOSITION OF MIKE HOSEASON VOLUME 1 Wednesday 14 July 2010 At: 10:00 am Taken at: Cleary, Gottlieb, Steen & Hamilton LLP 55 Basinghall Street, London United Kingdom</p> <p>HIGHLY CONFIDENTIAL 2</p>	<p>1 VIDEOGRAPHER: DAVID ROSS 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 2	Page 4
<p>1 APPEARANCES 2 For Plaintiff Tzvi Weiss: 3 STEPHEN SCHWARTZ, ESQ. 4 Kohn, Swift & Graf PC 5 One South Broad Street, Suite 2100 6 Philadelphia, Pennsylvania 19107-3304 7 Tel: 419 246 0528 8 For Plaintiff Natan Applebaum: 9 MARK WERBNER 10 Sayles & Werbner 11 4400 Renaissance Tower 12 1201 Elm St. 13 Dallas, Texas 75270 14 Tel: 214 939 8763 15 16 For Plaintiff Tzvi Weiss: 17 AITAN GOELMAN 18 Zuckerman Spaeder LLP 19 1800 M Street, NW, Suite 1000 20 Washington, DC 20036-5807 21 Tel: 202 778 1996 22 For Defendant National Westminster Bank, PLC: 23 24 JONATHAN I. BLACKMAN ESQ. and SUE. H. RHEE 25 Cleary, Gottlieb, Steen & Hamilton LLP 26 One Liberty Plaza 27 New York, NY 10006-1470 28 Tel: 212 225 2000 29 30 Also Present: 31 32 COURT REPORTER: 33 34 AILSA WILLIAMS 35 European Deposition Services 36 59 Chesson Rd 37 London, W14 9QS 38 Telephone: 44 (020) 7385 0077 39 HIGHLY CONFIDENTIAL 3</p>	<p>1 INDEX 2 MIKE HOSEASON6 3 DIRECT EXAMINATION BY MR.6 4 WERBNER: 5 6 CROSS-EXAMINATION BY MR. GOELMAN:155 7 8 INDEX OF EXHIBITS 9 Hoseason 1 NW000149-16447 10 Hoseason 2 NW000233-26174 11 Hoseason 3 NW052140-17680 12 Hoseason 4 NW196915-932100 13 Hoseason 5 NW212124101 14 Hoseason 6 NW052016-17120 15 Hoseason 7 NW008356-366124 16 Hoseason 8 NW052067-073140 17 Hoseason 9 NW052074-91151 18 Hoseason 10 NW000285-293157 19 Hoseason 11 37 Page Website207 20 Download "From Anonymous" (No 21 Bates No.) 22 23 24 25 26 27 28</p>

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<p>1 MR. BLACKMAN: That is so argumentative and it</p> <p>2 is just sort of piling argument upon argument, leaving</p> <p>3 out prior things that were testified to and we are not,</p> <p>4 you know, Mr. Werbner, we are not in front of a jury</p> <p>5 here. This is supposed to be a discovery deposition,</p> <p>6 you are supposed to be getting facts, not making</p> <p>7 speeches. So if the witness wants to hear the question</p> <p>8 again and answer it, he certainly can do so, but the</p> <p>9 question, as you well know, is completely out of bounds.</p> <p>10 Q. I will ask the court reporter to please</p> <p>11 read the question so that we can hear the witness'</p> <p>12 answer, beginning with "So unless a customer..."</p> <p>13 MR. BLACKMAN: Also misstates the prior</p> <p>14 testimony because he didn't in fact say any of those</p> <p>15 things, but go ahead.</p> <p>16 (Read back)</p> <p>17 A. It is a difficult question to answer</p> <p>18 without confusing the issue. If a customer had been</p> <p>19 convicted in a court of law of any kind of unlawful</p> <p>20 activity, then that would be grounds on which we would</p> <p>21 ask them to make alternative banking arrangements.</p> <p>22 Q. Was there any circumstances, less than</p> <p>23 a criminal conviction, by which NatWest would stop</p> <p>24 rendering financial services to a customer that the bank</p> <p>25 had serious concerns was engaged in terror financing?</p>	<p>1 reasking argumentative questions. You can answer the</p> <p>2 question one more time if you can.</p> <p>3 MR. WERBNER: I would ask the court reporter</p> <p>4 to please read the question pending to the witness.</p> <p>5 (Read back)</p> <p>6 A. I think I have already said, without</p> <p>7 looking at the record, I can't under oath say whether we</p> <p>8 had a red flag against the Interpal record on</p> <p>9 Goalkeeper. It was not a red flag against the account.</p> <p>10 We did continue to provide financial services. We had</p> <p>11 made a report to the authorities. It didn't mean that</p> <p>12 we had -- I think your words were "serious grounds", it</p> <p>13 meant that we had discharged our regulatory legal</p> <p>14 obligations to make that report.</p> <p>15 Q. From your work on the Money Laundering</p> <p>16 Team, in the period 1999 to 2003, do you ever remember</p> <p>17 a Money Laundering Suspicion Report being submitted to</p> <p>18 the regulatory authorities when the risk was color coded</p> <p>19 less than red?</p> <p>20 A. I couldn't say without examining all the</p> <p>21 records that were submitted to the authorities between</p> <p>22 those dates.</p> <p>23 Q. From your work on the Money Laundering</p> <p>24 committee during the period 1999 to 2003, do you recall</p> <p>25 or can you say that every customer's account that was</p>
Page 34	Page 36
<p>1 A. It was a hypothetical question. Each case</p> <p>2 would be looked at on its individual merits.</p> <p>3 Q. From the position that you played were</p> <p>4 there circumstances that you in your role as the leader</p> <p>5 of the Money Laundering Team, less than a criminal</p> <p>6 conviction, that would cause you to recommend the bank</p> <p>7 stop providing financial services to a customer</p> <p>8 suspected of terror financing?</p> <p>9 A. None that I am aware of.</p> <p>10 Q. Isn't it true that the bank continued to</p> <p>11 provide financial services to Interpal even when it had</p> <p>12 red flagged its account and stated in internal bank</p> <p>13 records that it was suspected of terror financing</p> <p>14 because of the bank's concern of "reputational risk"?</p> <p>15 MR. BLACKMAN: Object to the form of the</p> <p>16 question, lacks foundation. We don't know what records</p> <p>17 you are talking about. Also, to the extent that it is</p> <p>18 based on Interpal having the account red flagged, it has</p> <p>19 been asked and answered, I think close to ten times. We</p> <p>20 can spend time reasking questions and making speeches</p> <p>21 but I have got to tell you this. We agreed to two days</p> <p>22 for this thing because in an excess of caution that you</p> <p>23 might need it, but you have spent most of the first hour</p> <p>24 making speeches, and we may just cut this off at some</p> <p>25 point if we don't move on to something other than</p>	<p>1 red flagged for terror financing was disclosed and</p> <p>2 submitted to the regulatory authorities?</p> <p>3 MR. BLACKMAN: Objection to the form of the</p> <p>4 question. Red flagging accounts is not something that I</p> <p>5 think has been identified as a concept, much less</p> <p>6 testified about. There is no Money Laundering</p> <p>7 Committee. His testimony was that he was part of an</p> <p>8 Anti-money Laundering Unit. Maybe this is just you just</p> <p>9 don't even care what the testimony has been, but</p> <p>10 I object to the form of the question. It lacks</p> <p>11 foundation. You can answer.</p> <p>12 MR. WERBNER: Would you please read the</p> <p>13 question to the witness.</p> <p>14 (Read back)</p> <p>15 A. It was a Money Laundering Suspicion</p> <p>16 Reporting Team. It was not a committee of any sort.</p> <p>17 Again, without reviewing every single record I could not</p> <p>18 under oath tell you whether every single account that</p> <p>19 was red flagged was reported.</p> <p>20 Q. Are you aware that around August 2003 the</p> <p>21 United States Government declared Interpal, the bank</p> <p>22 NatWest's customer, to be an organization engaged in</p> <p>23 terror financing?</p> <p>24 MR. BLACKMAN: Object to the form of the</p> <p>25 question. Actually there was a specific designation</p>

EXHIBIT 7 TO DECLARATION OF STEPHANIE SADO

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<p>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK Action No: 05cv4622(DGT)(MDG)</p> <p>----- TZVI WEISS, et al, Plaintiffs, against NATIONAL WESTMINSTER BANK, PLC., Defendant. -----</p> <p>NATAN APPLEBAUM, et al., Plaintiffs, against NATIONAL WESTMINSTER BANK, PLC., Defendant.</p> <p>VIDEOTAPED DEPOSITION OF MIKE HOSEASON, VOLUME 2 Thursday 15 July 2010 At: 9:30 am Taken at: Cleary, Gottlieb, Steen & Hamilton LLP 55 Basinghall Street, London United Kingdom</p> <p>HIGHLY CONFIDENTIAL 233</p>	<p>1 VIDEOGRAPHER: DAVID ROSS 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 233	Page 235
<p>1 APPEARANCES 2 For Plaintiff Tzvi Weiss: 3 STEPHEN SCHWARTZ, ESQ. 4 Kohn, Swift & Graf PC 5 One South Broad Street, Suite 2100 6 Philadelphia, Pennsylvania 19107-3304 7 Tel: 419 246 0528 8 For Plaintiff Natan Applebaum: 9 MARK WERBNER 10 Sayles & Werbner 11 4400 Renaissance Tower 12 1201 Elm St. 13 Dallas, Texas 75270 14 Tel: 214 939 8763 15 16 For Plaintiff Tzvi Weiss: 17 AITAN GOELMAN 18 Zuckerman Spaeder LLP 19 1800 M Street, NW, Suite 1000 20 Washington, DC 20036-5807 21 Tel: 202 778 1996 22 For Defendant National Westminster Bank, PLC: 23 24 JONATHAN I. BLACKMAN ESQ. and SUE. H. RHEE 25 Cleary, Gottlieb, Steen & Hamilton LLP 26 One Liberty Plaza 27 New York, NY 10006-1470 28 Tel: 212 225 2000 29 30 Also Present: 31 32 COURT REPORTER: 33 34 AILSA WILLIAMS 35 European Deposition Services 36 59 Chesson Rd 37 London, W14 9QS 38 Telephone: 44 (020) 7385 0077 39 HIGHLY CONFIDENTIAL 234</p>	<p>1 INDEX 2 MIKE HOSEASON (Cont.) 237 3 CROSS-EXAMINATION BY MR. GOELMAN 237 4 (Cont.) 5 6 CROSS-EXAMINATION BY MR. 430 7 BLACKMAN: 8 FURTHER CROSS-EXAMINATION BY MR. 439 9 GOELMAN: 10 11 INDEX OF EXHIBITS 12 Hoseason 12 NW013279 253 13 Hoseason 13 NW009755-757 264 14 Hoseason 14 NW012772 270 15 Hoseason 15 NW191801-806 279 16 Hoseason 16 NW052874-86 317 17 Hoseason 17 NW012954 322 18 Hoseason 18 NW008374-380 327 19 Hoseason 19 Bank of England News 342 20 Release (No Bates No.) 21 22 Hoseason 20 NW009934-42 347 23 24 Hoseason 21 NW012129-152 354 25 26 Hoseason 22 NW012108-128 357 27 28 Hoseason 23 NW051994-997 361 29 30 Hoseason 24 NW012925-38 365 31 32 Hoseason 25 "Press Room, US 376 33 Department of the Treasury", 34 (No Bates Nos.) 35 36 Hoseason 26 NW088194-197 384 37</p>

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1 Q. There is no evidence in Hoseason 11 to support
2 that these funds were being used to support terrorist
3 activity?
4 A. No.
5 MR. BLACKMAN: I am going to object. Let's not
6 argue with the witness about a document that we don't know
7 what it is, and now you are arguing whether he thinks the
8 document does or does not support -- do what you want. My
9 objection is noted.
10 MR. GOELMAN: I am just trying to understand his
11 answer. You believe that there is no evidence in Hoseason
12 11, the report, that these funds were being used to support
13 terrorist activity?
14 MR. BLACKMAN: Which funds?
15 MR. GOELMAN: Yes, which funds?
16 MR. BLACKMAN: The last question was about
17 transfer to [REDACTED]
18 A. You were talking about transactions between
19 these parties.
20 Q. The Al-Aqsa parties you mean?
21 A. Yes.
22 Q. Interpal and the Al-Aqsa foundations?
23 A. Yes, that is what you were talking about.
24 Q. Right. And your position is that there is no
25 evidence in Hoseason 11 that transactions between Al-Aqsa

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1 and Interpal were used to fund terrorism?
2 A. Yes. You are asking me to state whether there
3 is anything in here that corroborates the validity of the
4 allegations that are made in this document, and I am saying
5 I don't believe there are. We were suspicious, we made
6 a report to the authorities. That is all we are required to
7 do so.
8 Q. That was not my question. My question was, in
9 one of your answers you talked about evidence of the purpose
10 of these transfers. I am asking you what you meant by that,
11 what type of evidence do you have in mind that would show
12 the purpose of transfer of [REDACTED] to [REDACTED]
13 [REDACTED]
14 A. Evidence, proof that it was being used, that
15 those monies were being used for illegal purposes.
16 Q. Okay. But what type of evidence are you
17 talking about?
18 A. As I said, I am not a police officer, I am not
19 a prosecutor.
20 Q. I understand what your job title was at the
21 time but I am trying to follow-up on a statement that you
22 made in an answer to a question, where you talked about
23 proof of the purpose of these transfers. I can't get from
24 you an answer as to what you have in mind when you say you
25 have proof of the purpose of the transaction. I mean,

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1 financial transactions don't generally say: "This is going
2 for a house, this is going for a bullet", right, do they?
3 MR. BLACKMAN: I am going to object to the
4 question as being argumentative, and I would have to point
5 out that the reason we have gone down this road is that you
6 started asking him to read a document that there is no proof
7 he ever saw, there is no evidence that any of the contents
8 of it are true, that is authored by someone called
9 "Anonymous", and reach conclusions about whether anything in
10 it corroborates some proposition that you want to make. He
11 was trying to answer your question. Now you don't like the
12 road you have gone down. I agree it is a very unprofitable
13 road, but that is why we are there. Please answer the
14 question. Maybe we can move on to something that is
15 remotely admissible evidence.
16 A. Can I ask you to repeat the question?
17 Q. Yes. When you say "proof of the purpose of
18 the transfers", what type of proof do you have in mind that
19 would provide proof of the purpose of the transfer?
20 A. So if I had been supplied with clear evidence
21 that demonstrated that those funds were subsequently
22 utilized to buy bullets, as you put it, then that would be
23 clearer evidence.
24 Q. Okay. Short of that, short of evidence that
25 the funds were used to buy bullets or explosives, is there

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1 anything else that you would consider to be proof of the
2 nefarious purposes of the transfers?
3 A. No.
4 MR. BLACKMAN: Objection to the form of the
5 question.
6 Q. Your answer is "no"?
7 A. No.
8 Q. Can you turn to page 28 of 37, please, kind of
9 midway, middle top of the page, the paragraph starting with:
10 The AIF expect Mounir Jarada @ Abu Achmed
11 El-Raghman (the head of Hamas military operations in Sudan
12 after Ramhadaan (February 97) to assist in military training
13 in South Africa".
14 Do you have before you -- Mark, did you mark 4124
15 yesterday?
16 MR. WERBNER: I don't recall.
17 MR. GOELMAN: I don't want to remark exhibits. I
18 am handing a document to the court reporter and ask that it
19 be marked Hoseason 15.
20 (Exhibit Hoseason 15 marked for identification)
21 Please take your time in reviewing Hoseason 15,
22 for the record Bates stamp NW191801 through 191806.
23 A. Okay.
24 Q. Can you tell me if you recognize Hoseason
25 Exhibit 15, just in terms of the type of document it is?

EXHIBIT 8 TO DECLARATION OF STEPHANIE D. SADO

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK Action No: 05cv4622(CPS)(MDG)</p> <p>-----</p> <p>TZVI WEISS, et al, Plaintiffs, against NATIONAL WESTMINSTER BANK, PLC., Defendant.</p> <p>-----</p> <p>NATAN APPLEBAUM, et al., Plaintiffs, against NATIONAL WESTMINSTER BANK, PLC., Defendant.</p> <p style="text-align: center;">VIDEOTAPED DEPOSITION OF GUY COLE Tuesday 8 June 2010 At: 9:00 am Taken at: Cleary, Gottlieb, Steen & Hamilton LLP 55 Basinghall Street, London United Kingdom</p> <p style="text-align: center;">HIGHLY CONFIDENTIAL</p> <p style="text-align: right;">2</p>	<p style="text-align: right;">Page 3</p> <p style="text-align: center;">I N D E X</p> <p>1 2 GUY COLE5 3 CROSS-EXAMINATION BY MR. ISRAEL: 138 4 CROSS-EXAMINATION BY MR. 147 5 BLACKMAN: 6 7 INDEX OF EXHIBITS 8 Cole 1 E-mails NW013939-4138 9 Cole 2 E-mails NW066732-3944 10 Cole 3 Case Summary NW008356-6655 11 Cole 4 Case Summary NW008367-7365 12 Cole 5 GI&F Letter dated 2766 13 September, 2001 14 15 Cole 6 "Anonymous" from Internet67 16 17 Cole 7 New York Times Extract82 18 19 Cole 8 E-mails NW050050-5595 20 21 Cole 9 E-mails NW155832 108 22 23 Cole 10 E-mails NW066807-813 111 24 25 Cole 11 E-mails NW066800-806 115 26 27 Cole 12 E-mails NW066701-704 122 28 29 Cole 13 E-mails NW066705-11 126 30 31 Cole 14 E-mails NW181094-97 131 32 33 Cole 15 E-mails NW066740-42 136 34 35 36 37</p>
<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S 2 For Plaintiff Tzvi Weiss: 3 STEPHEN SCHWARTZ, ESQ. 4 Kohn, Swift & Graf PC 5 One South Broad Street, Suite 2100 6 Philadelphia, Pennsylvania 19107-3304 7 Tel: 419 246 0528 8 For Plaintiff Natan Applebaum: 9 JOEL L. ISRAEL 10 Sayles & Werbner 11 4400 Renaissance Tower 12 1201 Elm St. 13 Dallas, Texas 75270 14 Tel: 214 939 8763 15 16 For Defendant National Westminster Bank, PLC: 17 18 JONATHAN I. BLACKMAN ESQ. 19 Cleary, Gottlieb, Steen & Hamilton LLP 20 One Liberty Plaza 21 New York, NY 10006-1470 22 Tel: 302 351 9415 23 24 Also Present: 25 26 COURT REPORTER: 27 28 AILSA WILLIAMS 29 European Deposition Services 30 59 Chesson Rd 31 London, W14 9QS 32 Telephone: 44 (020) 7385 0077 33 VIDEOGRAPHER: SIMON ADDINSELL 34 35 36 37 HIGHLY CONFIDENTIAL</p> <p style="text-align: right;">3</p>	<p style="text-align: right;">Page 4</p> <p>1 THE VIDEOGRAPHER: This is the beginning of 2 tape one in volume one of the deposition of Guy Cole, 3 in the matter of Tzvi Weiss et al, plaintiffs, against 4 National Westminster Bank plc, defendants. This is 5 case number 1:05-cv-04622 (DTG) (MDG) and also Natan 6 Applebaum et al, Plaintiffs, against National 7 Westminster Bank plc, this case number being 8 1:07cv00916 (DTG)(MDG). This matter is before the 9 United States District Court, Eastern District of New 10 York. 11 Today's date is 8 June, 2010 the time is 12 9:10 am. This deposition is taking place at the 13 offices of Cleary Gottlieb in London. The court 14 reporter is Ailsa Williams, the videographer is Simon 15 Addinsell, both from European Deposition Services. 16 Could counsel please introduce themselves 17 for the record, stating what company they are with and 18 who they represent in this matter, please. 19 MR. SCHWARTZ: My name is Stephen Schwartz 20 with the law firm of Kohn, Swift & Graf, Philadelphia, 21 Pennsylvania, United States of America, representing 22 the Weiss plaintiffs. 23 MR. ISRAEL: Joel Israel, Sayles Werbner, 24 here on before of Applebaum plaintiffs. 25 MR. BLACKMAN: Jonathan Blackman, Cleary</p>

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<p>1 they Doc1.doc?</p> <p>2 A. I believe they would be, yes.</p> <p>3 Q. So then you created these last 4 pages,</p> <p>4 is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. You remember doing that?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Let's take a look, please, at</p> <p>9 66735. Mr. Norrie -- you said you know Mr. Norrie, is</p> <p>10 that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And he is at Mr. Foster's group, is that</p> <p>13 correct?</p> <p>14 A. In his team, yes.</p> <p>15 Q. He says to you:</p> <p>16 "You may remember the matches we have previously</p> <p>17 reported to the Bank of England against Interpal and its</p> <p>18 various AKA's."</p> <p>19 At the time you received this, April 2004, did you</p> <p>20 in fact remember the matches that had been reported, as</p> <p>21 Mr. Norrie expected apparently?</p> <p>22 A. No.</p> <p>23 Q. You had no knowledge of the Interpal</p> <p>24 account at that time?</p> <p>25 A. I don't believe I did, no.</p>	<p>1 Q. In the act of producing Doc1.doc, did</p> <p>2 you look to see whether work like that had been done</p> <p>3 previously?</p> <p>4 A. I expect I would have looked in</p> <p>5 goalkeeper.</p> <p>6 Q. But you don't remember, is that correct?</p> <p>7 A. Yes, I don't remember.</p> <p>8 Q. So to the best of your knowledge you</p> <p>9 don't know whether any enhanced due diligence had been</p> <p>10 put in place prior to what you did?</p> <p>11 A. At that time, well, yes, I wouldn't</p> <p>12 know. Sorry, could you repeat that question? I was</p> <p>13 reading.</p> <p>14 Q. You said you are not sure what I mean by</p> <p>15 enhanced due diligence and I don't mean anything other</p> <p>16 than what Mr. Norrie means, Mr. Norrie asked you?</p> <p>17 MR. BLACKMAN: He is not Mr. Norrie.</p> <p>18 Q. I understand, but Mr. Norrie asked you</p> <p>19 the question whether enhanced -- so apparently</p> <p>20 Mr. Norrie expected you to understand what he was</p> <p>21 talking about. Maybe you did not?</p> <p>22 A. No.</p> <p>23 Q. Did you understand what he was asking:</p> <p>24 "Can you investigate whether any enhanced due</p> <p>25 diligence has been put in place." Did you understand</p>
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<p>1 Q. Further down Mr. Norrie says:</p> <p>2 "Can I ask you to investigate whether any enhanced</p> <p>3 due diligence has been put in place over these accounts (not</p> <p>4 sure the above was communicated, therefore suspect not) and</p> <p>5 if not take steps to ensure that measures are put in place."</p> <p>6 Did you investigate whether any enhanced due</p> <p>7 diligence had been put in place over the Interpal accounts?</p> <p>8 A. I wouldn't be able to recall without</p> <p>9 looking at this document.</p> <p>10 Q. Sorry?</p> <p>11 A. I would not be able to recall this event</p> <p>12 without -- today, so the only thing I have got to go</p> <p>13 on is this document.</p> <p>14 Q. Okay.</p> <p>15 A. I wouldn't remember that precise e-mail.</p> <p>16 Q. Can you tell from this document whether</p> <p>17 enhanced due diligence had been put in place?</p> <p>18 A. Well, it depends what you define as</p> <p>19 "enhanced due diligence". By the end of this document</p> <p>20 I had done enhanced due diligence because I had done</p> <p>21 a review, so by the end of this e-mail chain there has</p> <p>22 been enhanced due diligence.</p> <p>23 Q. So by May 2004 what you did producing</p> <p>24 Doc1.doc, that was enhanced due diligence?</p> <p>25 A. Yes.</p>	<p>1 what he was asking you to look for?</p> <p>2 A. I presume he would have said: "Can you</p> <p>3 look around to see what extra work has been done on</p> <p>4 this case, this client."</p> <p>5 Q. So you presume that is what he meant?</p> <p>6 A. Yes.</p> <p>7 Q. Do you remember whether you called him</p> <p>8 to ask him what he meant?</p> <p>9 A. I can't recall that. I would presume</p> <p>10 I would have done but I can't recall.</p> <p>11 Q. But when you received this e-mail asking</p> <p>12 you to investigate, to investigate whether any</p> <p>13 enhanced due diligence has been put in place, did you</p> <p>14 understand what he asked?</p> <p>15 MR. BLACKMAN: That question was just asked</p> <p>16 and answered. You can answer it again.</p> <p>17 A. Yes, I did. I can presume what -- he</p> <p>18 wanted to see what extra due diligence had been put in</p> <p>19 place, so that is the question.</p> <p>20 Q. And do you remember what extra due</p> <p>21 diligence had been put in place, if any?</p> <p>22 A. I don't remember.</p> <p>23 Q. If you turn to 66734, in the middle of</p> <p>24 the page there is what appears to be an e-mail from</p> <p>25 you to Ben Norrie, dated May 6, 2004, starting with</p>

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<p>1 "The relationship manager is aware". Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Is that a response to Mr. Norrie's two</p> <p>4 previous e-mails?</p> <p>5 A. It appears to be, yes.</p> <p>6 Q. You say:</p> <p>7 "The relationship manager is aware of the</p> <p>8 potential terrorism connections with this account and</p> <p>9 liaised with Derek Brand during the account freeze."</p> <p>10 How did you know that?</p> <p>11 A. I wouldn't be able to tell you today how</p> <p>12 I knew that.</p> <p>13 Q. Did you speak to the relationship</p> <p>14 manager?</p> <p>15 A. I would expect so but I can't recall</p> <p>16 that.</p> <p>17 Q. You say: "The RM has no ability to</p> <p>18 filter or efficiently monitor payments."</p> <p>19 MR. BLACKMAN: Actually you left out part of</p> <p>20 that.</p> <p>21 Q. "Although diligent in their interaction</p> <p>22 with the customer, the RM has no ability to filter or</p> <p>23 efficiently monitor payments. I understand this could</p> <p>24 be done in the core data management team in</p> <p>25 manufacturing, who control payment blocking and</p>	<p>1 is it, so it is saying "I understand", so I am not</p> <p>2 aware of them doing that.</p> <p>3 Q. Was the filtering of transactions by</p> <p>4 anyone common practice within CBFM?</p> <p>5 A. The filtering of transactions, as in</p> <p>6 stopping transactions, if there is a name -- is that</p> <p>7 what you define filtering as?</p> <p>8 Q. I define filtering as part of enhanced</p> <p>9 due diligence. You may define it differently. I want</p> <p>10 to find out what you know.</p> <p>11 A. If "filtering" you mean the modern sort</p> <p>12 of definition of filtering, i.e. stopping payments</p> <p>13 because there is someone on a watch list, and the</p> <p>14 payment will be stopped at the end of the track, it</p> <p>15 was not common practice in the UK, let alone the</p> <p>16 division or the group.</p> <p>17 Q. Did your group have the capacity to do</p> <p>18 this at this time?</p> <p>19 A. No.</p> <p>20 Q. At some point did your unit obtain the</p> <p>21 capacity to filter transactions?</p> <p>22 A. Between 2003 and 2005?</p> <p>23 Q. Yes.</p> <p>24 A. No. As I said, it was not industry</p> <p>25 practice or the bank's practice.</p>
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<p>1 restrictions".</p> <p>2 I believe you said that manufacturing was the back</p> <p>3 office functions?</p> <p>4 A. Yes.</p> <p>5 Q. Is it the case that at this time CBFM</p> <p>6 had no capacity within itself to monitor, to control</p> <p>7 payment blocking and restrictions?</p> <p>8 A. Yes, as a technology, preventive</p> <p>9 technology, CBFM would not know or be in a position to</p> <p>10 do that.</p> <p>11 Q. So would the core data team in</p> <p>12 manufacturing be responsible for payment blocking and</p> <p>13 restrictions for the entire group?</p> <p>14 A. I can only say what is here. So</p> <p>15 I understood this could be done. I don't know if it</p> <p>16 would be for the entire group or not. Either way, as</p> <p>17 I have said, I understand in that sentence, I would</p> <p>18 presume I was taking it on advice from somebody else.</p> <p>19 Q. Was it common practice for CBFM to</p> <p>20 request that the core data management team in</p> <p>21 manufacturing filter payments for CBFM customers?</p> <p>22 A. Not to my knowledge.</p> <p>23 Q. It was not common practice?</p> <p>24 A. At that time, reading this, it is not</p> <p>25 even clear whether they could definitely do it either,</p>	<p>1 Q. Throughout that time period?</p> <p>2 A. Yes.</p> <p>3 Q. A little further up the page, 66734,</p> <p>4 there is what appears to be an e-mail from Ben Norrie</p> <p>5 responding to the e-mail we just looked at. The last</p> <p>6 sentence, Mr. Norrie asks:</p> <p>7 "Are the CBFM MLPU happy with the potential</p> <p>8 risks in continuing this relationship?"</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know what Mr. Norrie meant by</p> <p>12 "potential risks"?</p> <p>13 A. Not with precision, but we work in money</p> <p>14 laundering prevention, so I presume risks relevant to</p> <p>15 our jobs.</p> <p>16 Q. Did you find out whether -- did you</p> <p>17 speak to Mr. Rodger about whether your unit was happy</p> <p>18 with the potential risks in continuing this</p> <p>19 relationship?</p> <p>20 A. I expect I would have done, yes.</p> <p>21 Q. You don't remember doing so?</p> <p>22 A. I don't remember doing so.</p> <p>23 Q. You expect that you would have, as part</p> <p>24 of your job, consulted with Mr. Rodger on this?</p> <p>25 A. Most definitely.</p>

EXHIBIT 9 TO DECLARATION OF STEPHANIE SADO

FILED UNDER SEAL

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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK Action No: 05cv4622(DGT)(MDG) ----- TZVI WEISS, et al, Plaintiffs, against NATIONAL WESTMINSTER BANK, PLC., Defendant. ----- NATAN APPLEBAUM, et al., Plaintiffs, against NATIONAL WESTMINSTER BANK, PLC., Defendant. VIDEOTAPED DEPOSITION OF IRVINE RODGER Thursday 22 July 2010 At: 10:00 am Taken at: Cleary, Gottlieb, Steen & Hamilton LLP 55 Basinghall Street, London United Kingdom HIGHLY CONFIDENTIAL	1 I N D E X 2 IRVINE RODGER6 3 DIRECT EXAMINATION BY MR.6 4 GOELMAN: 5 6 INDEX OF EXHIBITS 7 Rodger 1 NW014458-5930 8 Rodger 2 NW088194-9738 9 Rodger 3 NW051168-6947 10 Rodger 4 NW051994-9765 11 Rodger 5 NW012925-3868 12 Rodger 6 NW000130-14374 13 Rodger 7 Press Release83 14 Rodger 8 NW01305289 15 Rodger 9 NW18597691 16 Rodger 10 NW014038-4891 17 Rodger 11 NW01401394 18 Rodger 12 NW01370195 19 Rodger 13 NW013939-41100 20 Rodger 14 NW017151-54107 21 Rodger 15 NW018476-83149 22 Rodger 16 NW017191-95159 23 Rodger 17 NW066847-52175 24 Rodger 18 NW067946-47189 25 Rodger 19 NW066844-46196 26 Rodger 20 NW066807-13202 Rodger 21 NW066721-23213 Rodger 22 NW066795-96220 Rodger 23 NW181032-35225 Rodger 24 NW066777-79233 Rodger 25 NW069060-62241 Rodger 26 NW066764-69243
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1 A P P E A R A N C E S 2 For Plaintiff Tzvi Weiss: 3 ARI UNGAR 4 Osen LLC 5 700 Kinderkamack Road 6 Oradell, NJ 07649 7 Tel: 201 265 6400 8 9 For Plaintiff Tzvi Weiss: 10 AITAN GOELMAN 11 Zuckerman Spaeder LLP 12 1800 M Street, NW, Suite 1000 13 Washington, DC 20036-5807 14 Tel: 202 778 1996 15 For Defendant National Westminster Bank, PLC: 16 17 AVRAM E. LUFT and VALERIE SCHUSTER 18 Cleary, Gottlieb, Steen & Hamilton LLP 19 One Liberty Plaza 20 New York, NY 10006-1470 21 Tel: 212 225 2432 22 23 Also Present: 24 25 COURT REPORTER: 26 27 AILSA WILLIAMS 28 European Deposition Services 29 59 Chesson Rd 30 London, W14 9QS 31 Telephone: 44 (020) 7385 0077 32 VIDEOGRAPHER: FLOYD HUMPHREY 33 34 35 36 HIGHLY CONFIDENTIAL	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

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<p>1 Q. Page 13940, the first e-mail</p> <p>2 chronologically, which is the last e-mail on this</p> <p>3 exhibit.</p> <p>4 A. Yes.</p> <p>5 Q. Referring to the Bank of England,</p> <p>6 Mr. Foster writes:</p> <p>7 "They have reminded us that [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Did you have an understanding as to</p> <p>12 whether payments to Hamas were permitted before the BoE</p> <p>13 notice of late September 2003?</p> <p>14 A. No.</p> <p>15 Q. Do you remember hearing about the BoE</p> <p>16 notice of late September 2003?</p> <p>17 A. No. Which notice is this?</p> <p>18 Q. There is a notice referenced by</p> <p>19 Mr. Foster, the BoE notice of late September, that</p> <p>20 prohibited payments to Hamas?</p> <p>21 A. I don't recall.</p> <p>22 Q. Can you go to the e-mail from Derek Brand,</p> <p>23 right above the e-mail from Mr. Foster. Do you know who</p> <p>24 Mr. Brand is?</p> <p>25 A. No.</p>	<p>1 Q. And was that filtering technology that the</p> <p>2 bank had in place in the fall of 2003?</p> <p>3 A. No.</p> <p>4 Q. When did that filtering technology come on</p> <p>5 line?</p> <p>6 MR. LUFT: Objection, foundation.</p> <p>7 Q. If you know?</p> <p>8 A. I can't recall. 2008, 09.</p> <p>9 Q. Not until 2008 or 09?</p> <p>10 A. The current incarnation, 2008 or 09.</p> <p>11 Q. In Mr. Foster referring to filtering</p> <p>12 technology "we have in GBS or Payment Ops", was there</p> <p>13 some type of filtering technology that as early as 2003</p> <p>14 was available in GBS or Payment Ops?</p> <p>15 MR. LUFT: Objection, foundation.</p> <p>16 Q. If you know?</p> <p>17 A. I don't know.</p> <p>18 Q. Fiona Miller writes an e-mail in the</p> <p>19 middle of this first page of this exhibit to Mr. O'Hear,</p> <p>20 and she writes:</p> <p>21 "In similar cases in the past the customer</p> <p>22 only Compliance function has been responsible for</p> <p>23 monitoring. In this case CBFM Compliance - Irvine</p> <p>24 Rodger/Guy Cole should be able to assist."</p> <p>25 So is it fair to say that this e-mail was</p>
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<p>1 Q. You don't recognize the name?</p> <p>2 A. I recognize the name but I have got no</p> <p>3 idea who he is.</p> <p>4 Q. Do you recall receiving this e-mail chain?</p> <p>5 A. No. I got 200 e-mails a day so ...</p> <p>6 Q. Can you turn to the first page of the</p> <p>7 exhibit, please. There is an e-mail from Mr. Foster to</p> <p>8 Tony O'Hear and Ben Norrie. Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Do you know who Mr. Norrie is?</p> <p>11 A. I think, from what I recall, he works for</p> <p>12 Stephen Foster.</p> <p>13 Q. Mr. Foster writes:</p> <p>14 "Thanks for this. I think the main concern</p> <p>15 now is to ensure that no future payment is made to</p> <p>16 Hamas. With the restrictions lifted, is there any</p> <p>17 formal (or even informal) monitoring of the traffic?</p> <p>18 What scope is there to use the filtering technology we</p> <p>19 have in GBS or Payment Ops to monitor?"</p> <p>20 Do you have an understanding as to what</p> <p>21 Mr. Foster was referring to when he talked about the</p> <p>22 "filtering technology we have in GBS or Payment Ops"?</p> <p>23 A. It implies that he was referring to</p> <p>24 payment filtering technologies that are used to identify</p> <p>25 payments going out of the bank.</p>	<p>1 forwarded to you by Mr. O'Hear to see if you could</p> <p>2 assist in monitoring Interpal payments going forward?</p> <p>3 A. I don't know.</p> <p>4 Q. Mr. O'Hear writes:</p> <p>5 "Guy/Irvine, is the monitoring of payment traffic,</p> <p>6 as outlined by Stephen, possible here?"</p> <p>7 I understand you don't recall getting this e-mail</p> <p>8 from Mr. O'Hear. Do you remember the issue of whether or</p> <p>9 not it was possible to monitor Interpal's payment traffic</p> <p>10 being brought up?</p> <p>11 A. I am trying to read between the lines of</p> <p>12 the e-mail and my conclusion is I just do not know.</p> <p>13 Q. Whether or not you recall the specific</p> <p>14 episode, do you know whether it was possible to monitor</p> <p>15 payment traffic of --</p> <p>16 A. What we did within CBFM was --</p> <p>17 MR. LUFT: Did you finish the question?</p> <p>18 MR. GOELMAN: Effectively. Go ahead.</p> <p>19 A. What we did within CBFM was payments to</p> <p>20 Interpal were reviewed six months after they were made</p> <p>21 by Guy Cole, which is akin to what is being referred to</p> <p>22 here, but obviously that was not realtime, but that was</p> <p>23 the best that we could do in the circumstances.</p> <p>24 Q. So was it your -- withdrawn. So</p> <p>25 Mr. Foster's suggestion about using filtering technology</p>

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1 to monitor and when Mr. O'Hear says "Is that possible?"
2 here, the answer in October 2003 was "no"?
3 A. Yes -- no, the answer was no, it was not
4 possible.
5 Q. Were you involved in any discussions in
6 the bank in 2002/03 about acquiring the technical
7 capability to implement realtime monitoring of payments?
8 A. No.
9 Q. So if in 2002 someone, one of RBS's
10 customers had tried to send money to Osama Bin Laden,
11 there was no technical way for the bank to intercept
12 that payment. Is that true?
13 MR. LUFT: Objection, foundation, calls for
14 speculation, incomplete hypothetical.
15 A. I don't know.
16 Q. You don't know of any filtering technology
17 that could have stopped payments before they actually
18 went?
19 A. There was no --
20 MR. LUFT: Objection, foundation, calls for
21 speculation, incomplete hypothetical.
22 A. No knowledge which I have which would
23 answer that.
24 Q. As part of your efforts to stay current in
25 the Anti-money Laundering field, is it fair to say that

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1 there were banks who in 2003 had the technical
2 capability to filter transactions in realtime?
3 MR. LUFT: Objection, foundation.
4 Q. If you know.
5 A. I don't know.
6 MR. GOELMAN: This is a good stopping place to
7 take a break for lunch.
8 THE VIDEOGRAPHER: Going off the record at
9 1:22 pm.
10 (Break for Lunch.)
11 THE VIDEOGRAPHER: We are back on the record
12 at 2:16 pm.
13 MR. GOELMAN: Good afternoon, Mr. Rodger.
14 A. Afternoon.
15 Q. Did you have a chance to get some tea?
16 A. Yes.
17 Q. Before we broke, you testified that "What
18 we did within CBFM was payments to Interpal were
19 reviewed six months after they were made, by Guy Cole".
20 Do you recall when that practice was implemented?
21 A. I don't recall but I imagine it was
22 subsequent to the Charities Commission investigation
23 having been concluded. That was the kind of undertaking
24 the Group gave to the Charities Commission, that that
25 work could be done.

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1 Q. Do you remember what precipitated the
2 initiation of that practice?
3 A. The Charities Commission investigation, I
4 think Group was keen, because of the seriousness of the
5 allegations, Group was very keen to review all payments
6 coming out of Interpal, just to ensure that none of
7 these payments went to undesirables.
8 Q. When you talk about the seriousness of the
9 allegations, you are talking about the seriousness --
10 A. The OFAC allegations.
11 Q. That Interpal was funding a terrorist
12 group?
13 A. Yes.
14 Q. I am going to hand the court reporter
15 a document I will ask be marked as Rodger Exhibit 14,
16 please.
17 (Exhibit Rodger 14 marked for identification).
18 For the record the Bates stamps are somewhat cut
19 off at the bottom but it is NW17151 through NW17054.
20 MR. LUFT: From the looks of the document and
21 from the stamping it looks like this is one chain,
22 correct, even though there is a staple and then a page
23 is attached at the end?
24 MR. GOELMAN: Yes. The reason the page is not
25 part of the staple is it was stapled upside down so I

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1 took it off and paper clipped it to the pages that were
2 right side up.
3 MR. LUFT: So we can just look at this as one
4 document.
5 Q. Let me know when you have had a chance to
6 review this e-mail chain, Mr. Rodger.
7 A. Okay.
8 Q. Do you recognize Rodger Exhibit 14 as an
9 e-mail chain that precipitated the practice of 6-month
10 reviews of Interpal transfers that you previously
11 described?
12 A. I don't recall the specific e-mail but
13 I do know that Guy Cole started doing 6-monthly reviews.
14 Q. Does this reflect what caused Mr. Cole to
15 begin doing those reviews?
16 MR. LUFT: Objection, foundation.
17 A. I don't know whether this triggered it but
18 Guy did 6-monthly reviews thereafter, or not thereafter
19 but afterwards, after the designation.
20 Q. And these e-mails are dated from April 21,
21 2004 through May 20, 2004, true?
22 A. Yes.
23 Q. Does that reflect that these reviews that
24 Mr. Cole performed did not begin until approximately --
25 the first one was not until approximately nine months